ISSN 1977-0677

Official Journal of the European Union

L 194

English edition

Legislation

Volume 55

21 July 2012

Contents

Price: EUR 3

(Continued overleaf)

[1] Text with EEA relevance

EN

Acts whose titles are printed in light type are those relating to day-to-day management of agricultural matters, and are generally valid for a limited period.

The titles of all other acts are printed in bold type and preceded by an asterisk.

DECISIONS

RECOMMENDATIONS

EN

[1] Text with EEA relevance

II

(Non-legislative acts)

REGULATIONS

COMMISSION REGULATION (EU) No 665/2012

of 20 July 2012

amending Regulation (EU) No 454/2011 on the technical specification for interoperability relating to the subsystem 'telematics applications for passenger services' of the trans-European rail system

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Directive 2008/57/EC of the European Parliament and of the Council of 17 June 2008 on the interoperability of the rail system within the Community [1], and in particular Article 6(1) thereof,

Whereas:

(1) In accordance with Article 3(1) of Commission Regulation (EU) No 454/2011 of 5 May 2011 on the technical specification for interoperability relating to the subsystem 'telematics applications for passenger services' of the trans-European rail system [2], the European Railway Agency has implemented a change management process for the technical documents referred to in Annex III to that Regulation. As a result, the European Railway Agency submitted on 20 December 2011 a recommendation for Annex III to Regulation (EU) No 454/2011 to be updated in order to refer to the technical documents that have been amended in accordance with the change management process.

(2) Regulation (EU) No 454/2011 should therefore be amended accordingly.

(3) The measures provided for in this Regulation are in accordance with the opinion of the Committee established in accordance with Article 29(1) of Directive 2008/57/EC,

HAS ADOPTED THIS REGULATION:

Article 1

Annex III to Commission Regulation (EU) No 454/2011 is replaced by the Annex to this Regulation.

Article 2

This Regulation shall enter into force on the day following that of its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 20 July 2012.

For the Commission
The President
José Manuel BARROSO

[1] OJ L 191, 18.7.2008, p. 1.
[2] OJ L 123, 12.5.2011, p. 11.

ANNEX

'ANNEX III

List of technical documents referenced in this TSI

Reference	Label
B.1. (V1.1.1)	Computer generation and exchange of tariff data meant for international or foreign sales – NRT tickets
B.2. (V1.1)	Computer generation and exchange of tariff data meant for international and foreign sales – Integrated Reservation Tickets (IRT)
B.3. (V1.1)	Computer generation and exchange of data meant for international or foreign sales – Special offers
B.4. (V1.1.1)	Implementation guide for EDIFACT messages covering timetable data exchange
B.5. (V1.1)	Electronic reservation of seats/berths and electronic production of travel documents - Exchange of messages
B.6. (V1.1)	Electronic seat/berth reservation and electronic production of transport documents (RCT2 standards)
B.7. (V1.1.1)	International Rail ticket for Home Printing
B.8. (V1.1)	Standard numerical coding for railway undertakings, infrastructure managers and other companies involved in rail-transport chains
B.9. (V1.1)	Standard numerical coding of locations
B.10 (V1.1)	Electronic reservation of assistance for persons with reduced mobility - Exchange of messages
B.30. (V1.1)	Schema - messages/datasets catalogue needed for the RU/IM communication of TAP TSI'

COMMISSION IMPLEMENTING REGULATION (EU) No 666/2012

of 20 July 2012

amending Regulations (EC) No 2092/2004, (EC) No 793/2006, (EC) No 1914/2006, (EC) No 1120/2009, (EC) No 1121/2009, (EC) No 1122/2009, (EU) No 817/2010 and (EU) No 1255/2010 as regards the notification obligations within the common organisation of agricultural markets and the direct support schemes for farmers

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Council Regulation (EC) No 1234/2007 of 22 October 2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation) ([1]), and in particular Article 192(2), in conjunction with Article 4 thereof,

Having regard to Council Regulation (EC) No 73/2009 of 19 January 2009 establishing common rules for direct support schemes for farmers under the common agricultural policy and establishing certain support schemes for farmers, amending Regulations (EC) No 1290/2005, (EC) No 247/2006, (EC) No 378/2007 and repealing Regulation (EC) No 1782/2003 ([2]), and in particular Article 142(q) thereof,

Whereas:

(1) Commission Regulation (EC) No 792/2009 of 31 August 2009 laying down detailed rules for the Member States' notification to the Commission of information and documents in implementation of the common organisation of the markets, the direct payments' regime, the promotion of agricultural products and the regimes applicable to the outermost regions and the smaller Aegean islands ([3]), lays down common rules for notifying information and documents by the competent authorities of the Member States to the Commission. Those rules cover in particular the obligation for the Member States to use the information systems made available by the Commission and the validation of the access rights of the authorities or individuals authorised to send notifications. In addition, that Regulation sets common principles applying to the information systems so that they guarantee the authenticity, integrity and legibility over time of the documents and provides for personal data protection.

(2) Pursuant to Regulation (EC) No 792/2009, the obligation to use the information systems in accordance with that Regulation has to be provided for in the Regulations establishing a specific notification obligation.

(3) The Commission has developed an information system that allows managing documents and procedures electronically in its own internal working procedures and in its relations with the authorities involved in the common agricultural policy.

(4) It is considered that several notification obligations can be fulfilled via that system in accordance with Regulation (EC) No 792/2009, in particular those provided for in Commission Regulations (EC) No 2092/2004 of 8 December 2004 laying down detailed rules of application for an import tariff quota of dried boneless beef originating in Switzerland ([4]), (EC) No 793/2006 of 12 April 2006 laying down certain detailed rules for applying Council Regulation (EC) 247/2006 laying down specific measures for agriculture in the outermost regions of the Union ([5]), (EC) No 1914/2006 of 20 December 2006 laying down detailed rules for applying Council Regulation (EC) No 1405/2006 laying down specific measures for agriculture in favour of the smaller Aegean islands ([6]), (EC) No 1120/2009 of 29 October 2009 laying down detailed rules for the implementation of the single payment scheme provided for in Title III of Council Regulation (EC) No 73/2009 establishing common rules for direct support schemes for farmers under the common agricultural policy and establishing certain support schemes for farmers ([7]), (EC) No 1121/2009 of 29 October 2009 laying down detailed rules for the application of Council Regulation (EC) No 73/2009 as regards the support schemes for farmers provided for in Titles IV and V thereof ([8]), (EC) No 1122/2009 of 30 November 2009 laying down detailed rules for the implementation of Council Regulation (EC) No 73/2009 as regards cross-compliance, modulation and the integrated administration and control system, under the direct support schemes for farmers provided for that Regulation, as well as for the implementation of Council Regulation (EC) No 1234/2007 as regards cross-compliance under the support scheme provided for the wine sector ([9]), (EU) No 817/2010 of 16 September 2010 laying down detailed rules pursuant to Council Regulation (EC) No 1234/2007 as regards requirements for the granting of export refunds related to the welfare of live bovine animals during transport ([10]), (EU) No 1255/2010 of 22 December 2010 laying down detailed rules for the

([1]) OJ L 299, 16.11.2007, p. 1.
([2]) OJ L 30, 31.1.2009, p. 16.
([3]) OJ L 228, 1.9.2009, p. 3.
([4]) OJ L 362, 9.12.2004, p. 4.
([5]) OJ L 145, 31.5.2006, p. 1.
([6]) OJ L 365, 21.12.2006, p. 64.
([7]) OJ L 316, 2.12.2009, p. 1.
([8]) OJ L 316, 2.12.2009, p. 27.
([9]) OJ L 316, 2.12.2009, p. 65.
([10]) OJ L 245, 17.9.2010, p. 16.

application of the import tariff quotas for 'baby beef' products originating in Bosnia and Herzegovina, Croatia, the former Yugoslav Republic of Macedonia, Montenegro and Serbia [1].

(5) In the interest of efficient administration and taking account of the experience, some notifications should be either simplified and specified or deleted in those Regulations.

(6) Regulations (EC) No 2092/2004, (EC) No 793/2006, (EC) No 1914/2006, (EC) No 1120/2009, (EC) No 1121/2009, (EC) No 1122/2009, (EU) No 817/2010 and (EU) No 1255/2010 should therefore be amended accordingly.

(7) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Direct Payments and the Management Committee for the Common Organisation of Agricultural Markets,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 2092/2004 is amended as follows:

(1) In Article 7a, paragraphs 2 and 3 are replaced by the following:

"2. Member States shall notify the Commission of the details of the quantities of products put into free circulation in accordance with Article 4 of Regulation (EC) No 1301/2006.

3. The notifications referred to in paragraph 1 shall be made in accordance with Commission Regulation (EC) No 792/2009 (*) and the product categories indicated in Annex V to Regulation (EC) No 382/2008 shall be used.

(*) OJ L 228, 1.9.2009, p. 3."

(2) Annexes IV, V and VI are deleted.

Article 2

Regulation (EC) No 793/2006 is amended as follows:

(1) In Article 47, the following paragraph 3 is added:

"3. The communications referred to in this Article shall be made in accordance with Commission Regulation (EC) No 792/2009 (*).

(*) OJ L 228, 1.9.2009, p. 3."

(2) In Article 48, the following paragraph 3 is added:

"3. The communications and reports referred to in Article 28(1) and (2) of Regulation (EC) No 247/2006 shall be made and submitted in accordance with Regulation (EC) No 792/2009."

[1] OJ L 342, 28.12.2010, p. 1.

Article 3

Regulation (EC) No 1914/2006 is amended as follows:

(1) In Article 32, the following paragraph 3 is added:

"3. The communications referred to in this Article shall be made in accordance with Commission Regulation (EC) No 792/2009 (*).

(*) OJ L 228, 1.9.2009, p. 3."

(2) In Article 33, the following paragraph 3 is added:

"3. The communications and reports referred to in Article 17 (1) and (2) of Regulation (EC) No 1405/2006 shall be made in accordance with Regulation (EC) No 792/2009."

Article 4

In Regulation (EC) No 1120/2009, the following Article 51a is inserted:

"*Article 51a*

The notifications referred to in this Regulation, with the exception of Article 51(4) shall be made in accordance with Commission Regulation (EC) No 792/2009 (*).

The notifications referred to in Article 51(3) shall be made in accordance with Regulation (EC) No 792/2009 only as from 1 January 2013.

(*) OJ L 228, 1.9.2009, p. 3."

Article 5

Regulation (EC) No 1121/2009 is amended as follows:

(1) Article 4(1) is amended as follows:

(a) in point (a)(i), the first, second and third indents are deleted,

(b) point (b) is deleted,

(c) point (c) is amended as follows:

(i) in point (i), the first and second indents are deleted,

(ii) point (ii) is deleted,

(d) points (d) and (e) are deleted.

(2) The following Article 94a is inserted.

"*Article 94a*

The notifications referred to in this Regulation shall be made in accordance with Commission Regulation (EC) No 792/2009 (*).

(*) OJ L 228, 1.9.2009, p. 3."

Article 6

In Article 84 of Regulation (EC) No 1122/2009, paragraph 6 is replaced by the following:

"6. The notifications referred to in Article 40 and paragraphs 2 and 5 of this Article shall be made in accordance with Commission Regulation (EC) No 792/2009 (*).

(*) OJ L 228, 1.9.2009, p. 3."

Article 7

In Article 8 of Regulation (EU) No 817/2010, the following paragraph is added:

"The communications referred to in this Article shall be made in accordance with Commission Regulation (EC) No 792/2009 (*);

(*) OJ L 228, 1.9.2009, p. 3."

Article 8

Regulation (EU) No 1255/2010 is amended as follows:

(1) In Article 8, paragraphs 2 and 3 are replaced by the following:

"2. Member States shall notify the Commission of the details of the quantities of products put into free circulation in accordance with Article 4 of Regulation (EC) No 1301/2006.

3. The notifications referred to in paragraph 1 shall be made in accordance with Commission Regulation (EC) No 792/2009 (*) and the product categories indicated in Annex V to Regulation (EC) No 382/2008 shall be used.

(*) OJ L 228, 1.9.2009, p. 3."

(2) Annexes VIII, IX and X are deleted.

Article 9

This Regulation shall enter into force on the third day following that of its publication in the *Official Journal of the European Union*.

It shall apply from 16 August 2012. However, Articles 1 and 8 shall apply from 1 January 2013.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 20 July 2012.

For the Commission
The President
José Manuel BARROSO

COMMISSION IMPLEMENTING REGULATION (EU) No 667/2012

of 20 July 2012

establishing the standard import values for determining the entry price of certain fruit and vegetables

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Council Regulation (EC) No 1234/2007 of 22 October 2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation) [1],

Having regard to Commission Implementing Regulation (EU) No 543/2011 of 7 June 2011 laying down detailed rules for the application of Council Regulation (EC) No 1234/2007 in respect of the fruit and vegetables and processed fruit and vegetables sectors [2], and in particular Article 136(1) thereof,

Whereas:

(1) Implementing Regulation (EU) No 543/2011 lays down, pursuant to the outcome of the Uruguay Round multilateral trade negotiations, the criteria whereby the Commission fixes the standard values for imports from third countries, in respect of the products and periods stipulated in Annex XVI, Part A thereto.

(2) The standard import value is calculated each working day, in accordance with Article 136(1) of Implementing Regulation (EU) No 543/2011, taking into account variable daily data. Therefore this Regulation should enter into force on the day of its publication in the *Official Journal of the European Union*,

HAS ADOPTED THIS REGULATION:

Article 1

The standard import values referred to in Article 136 of Implementing Regulation (EU) No 543/2011 are fixed in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on the day of its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 20 July 2012.

For the Commission,
On behalf of the President,
José Manuel SILVA RODRÍGUEZ
Director-General for Agriculture and Rural Development

[1] OJ L 299, 16.11.2007, p. 1.
[2] OJ L 157, 15.6.2011, p. 1.

ANNEX

Standard import values for determining the entry price of certain fruit and vegetables

(EUR/100 kg)

CN code	Third country code (1)	Standard import value
0707 00 05	TR	95,4
	ZZ	95,4
0709 93 10	TR	99,0
	ZZ	99,0
0805 50 10	AR	95,5
	BO	97,8
	TR	52,0
	UY	104,0
	ZA	91,1
	ZZ	88,1
0808 10 80	AR	127,6
	BR	94,1
	CL	116,7
	CN	126,4
	NZ	130,5
	US	146,3
	UY	52,1
	ZA	101,9
	ZZ	112,0
0808 30 90	AR	129,7
	CL	120,2
	ZA	107,0
	ZZ	119,0
0809 10 00	TR	169,0
	ZZ	169,0
0809 29 00	TR	360,4
	ZZ	360,4
0809 30	TR	178,7
	ZZ	178,7
0809 40 05	BA	74,7
	ZZ	74,7

(1) Nomenclature of countries laid down by Commission Regulation (EC) No 1833/2006 (OJ L 354, 14.12.2006, p. 19). Code 'ZZ' stands for 'of other origin'.

COMMISSION IMPLEMENTING REGULATION (EU) No 668/2012

of 20 July 2012

on the issue of import licences and the allocation of import rights for applications lodged during the first seven days of July 2012 under the tariff quotas opened by Regulation (EC) No 616/2007 for poultrymeat

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Council Regulation (EC) No 1234/2007 of 22 October 2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation) [1],

Having regard to Commission Regulation (EC) No 1301/2006 of 31 August 2006 laying down common rules for the administration of import tariff quotas for agricultural products managed by a system of import licences [2], and in particular Article 7(2) thereof,

Whereas:

(1) Commission Regulation (EC) No 616/2007 [3] opened tariff quotas for imports of poultrymeat products originating in Brazil, Thailand and other third countries.

(2) The applications for import licences lodged in respect of Groups Nos 1, 2, 4, 6, 7 and 8 during the first seven days of July 2012 for the subperiod from 1 October to 31 December 2012 relate, for some quotas, to quantities exceeding those available. The extent to which import licences may be issued should therefore be determined by establishing the allocation coefficient to be applied to the quantities requested.

(3) The applications for import rights lodged during the first seven days of July 2012 for the subperiod from 1 October to 31 December 2012 in respect of Group No 5 relate to quantities exceeding those available. The extent to which import rights may be allocated should therefore be determined by establishing the allocation coefficient to be applied to the quantities requested,

HAS ADOPTED THIS REGULATION:

Article 1

1. The quantities for which import licence applications have been lodged pursuant to Regulation (EC) No 616/2007 for the subperiod from 1 October to 31 December 2012 in respect of Groups Nos 1, 2, 4, 6, 7 and 8 shall be multiplied by the allocation coefficients set out in the Annex hereto.

2. The quantities for which import rights applications have been lodged pursuant to Regulation (EC) No 616/2007 for the subperiod from 1 October to 31 December 2012 in respect of Group No 5 shall be multiplied by the allocation coefficient set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 21 July 2012.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 20 July 2012.

For the Commission,
On behalf of the President,
José Manuel SILVA RODRÍGUEZ
Director-General for Agriculture and Rural Development

[1] OJ L 299, 16.11.2007, p. 1.
[2] OJ L 238, 1.9.2006, p. 13.
[3] OJ L 142, 5.6.2007, p. 3.

ANNEX

Group No	Order No	Allocation coefficient for import licence applications lodged for the subperiod from 1.10.2012 to 31.12.2012 (%)
1	09.4211	0,573392
6	09.4216	1,345898

Group No	Order No	Allocation coefficient for import rights applications lodged for the subperiod from 1.10.2012 to 31.12.2012 (%)
5	09.4215	0,958773

COMMISSION IMPLEMENTING REGULATION (EU) No 669/2012

of 20 July 2012

fixing the allocation coefficient for the issuing of import licences applied for from 1 to 7 July 2012 for sugar products under certain tariff quotas and suspending submission of applications for such licences

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Council Regulation (EC) No 1234/2007 of 22 October 2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation) [1],

Having regard to Commission Regulation (EC) No 1301/2006 of 31 August 2006 laying down common rules for the administration of import tariff quotas for agricultural products managed by a system of import licences [2], and in particular Article 7(2) thereof,

Having regard to Commission Regulation (EC) No 891/2009 of 25 September 2009 opening and providing for the administration of certain Community tariff quotas in the sugar sector [3], and in particular Article 5(2) thereof,

Whereas:

(1) Quantities covered by applications for import licences submitted to the competent authorities from 1 to 7 July 2012 in accordance with Regulation (EC) No 891/2009, exceed the quantity available under order number 09.4321.

(2) In these circumstances, an allocation coefficient for licences to be issued regarding order number 09.4321 should be fixed in accordance with Regulation (EC) No 1301/2006. Submission of further applications for licences for that order number should be suspended until the end of the marketing year, in accordance with Regulation (EC) No 891/2009,

HAS ADOPTED THIS REGULATION:

Article 1

1. The quantities for which import licence applications have been lodged under Regulation (EC) No 891/2009 from 1 to 7 July 2012 shall be multiplied by the allocation coefficients set out in the Annex to this Regulation.

2. Submission of further applications for licences, which correspond to the order numbers indicated in the Annex, shall be suspended until the end of the marketing year 2011/2012.

Article 2

This Regulation shall enter into force on the day of its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 20 July 2012.

For the Commission,
On behalf of the President,
José Manuel SILVA RODRÍGUEZ
Director-General for Agriculture and Rural Development

[1] OJ L 299, 16.11.2007, p. 1.
[2] OJ L 238, 1.9.2006, p. 13.
[3] OJ L 254, 26.9.2009, p. 82.

ANNEX

CXL Concessions Sugar

2011/2012 marketing year

Applications lodged from 1.7.2012 to 7.7.2012

Order No	Country	Allocation coefficient (%)	Further applications
09.4317	Australia	—	Suspended
09.4318	Brazil	—	Suspended
09.4319	Cuba	—	Suspended
09.4320	Any third countries	—	Suspended
09.4321	India	9,090909	Suspended

— Not applicable: no licence application has been sent to the Commission.

Balkans Sugar

2011/2012 marketing year

Applications lodged from 1.7.2012 to 7.7.2012

Order No	Country	Allocation coefficient (%)	Further applications
09.4324	Albania	—	
09.4325	Bosnia and Herzegovina	(1)	
09.4326	Serbia	(1)	
09.4327	Former Yugoslav Republic of Macedonia	—	
09.4328	Croatia	—	

— Not applicable: no licence application has been sent to the Commission.
(1) Not applicable: the applications do not exceed the quantities available and are fully granted.

Exceptional import sugar and industrial import sugar

2011/2012 marketing year

Applications lodged from 1.7.2012 to 7.7.2012

Order No	Type	Allocation coefficient (%)	Further applications
09.4380	Exceptional	—	
09.4390	Industrial	—	

— Not applicable: no licence application has been sent to the Commission.

DECISIONS

COMMISSION IMPLEMENTING DECISION

of 17 July 2012

amending Annexes I to IV to Decision 2006/168/EC as regards certain veterinary certification requirements for imports into the Union of bovine embryos

(notified under document C(2012) 4816)

(Text with EEA relevance)

(2012/414/EU)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Council Directive 89/556/EEC of 25 September 1989 on animal health conditions governing intra-Community trade in and importation from third countries of embryos of domestic animals of the bovine species [1], and in particular Article 7(1) and point (b) of the first subparagraph of Article 9(1) thereof,

Whereas:

(1) Commission Decision 2006/168/EC of 4 January 2006 establishing the animal health and veterinary certification requirements for imports into the Community of bovine embryos and repealing Decision 2005/217/EC [2] establishes in Annex I thereto the list of third countries from which Member States are to authorise imports of embryos of domestic animals of the bovine species ('the embryos'). It also lays down additional guarantees as regards specific animal diseases to be provided by certain third countries listed in that Annex.

(2) Decision 2006/168/EC also provides that Member States are to authorise imports of embryos that comply with the animal health requirements set out in the model veterinary certificates in Annexes II, III and IV to that Decision.

(3) The animal health requirements relating to bluetongue in the model veterinary certificates in Annexes II, III and IV to Decision 2006/168/EC are based on the recommendations of Chapter 8.3 of the Terrestrial Animal Health Code of the World Organisation for Animal Health (OIE) which deals with bluetongue. That Chapter recommends a whole range of risk mitigating measures aiming at either protecting the mammalian host from exposure to the infectious vector or at inactivating the virus by antibodies.

(4) In addition, the OIE has laid down a chapter on Surveillance for arthropod vectors of animal diseases in the Terrestrial Animal Health Code. Those recommendations do not include the monitoring of ruminants for antibodies to Simbu viruses, such as the Akabane and Aino viruses of the *Bunyaviridae* family, which in the past was considered an economical method for determining the distribution of bluetongue competent vectors until more information on the spread of those diseases became available.

(5) Also, the OIE does not list Akabane and Aino diseases in the Terrestrial Animal Health Code. Consequently, the requirement for annual testing for those diseases to prove the absence of the vector should be deleted from Annex I to Decision 2006/168/EC and from the model veterinary certificates in Annexes II, III and IV thereto.

(6) In addition, bilateral agreements have been concluded between the Union and certain third countries containing specific conditions for the imports of embryos into the Union. Therefore, in the interests of consistency where those bilateral agreements contain specific conditions and model veterinary certificates for imports, those conditions and models should apply instead of the conditions and models set out in Decision 2006/168/EC.

(7) The animal health status of Switzerland is equivalent to that of the Member States. It is therefore appropriate that *in vivo* derived and *in vitro* produced embryos imported into the Union from that third country are accompanied by a veterinary certificate drawn up in accordance with the model intra-trade certificate used for trade within the Union in embryos of domestic animals of the bovine species set out in Annex C to Directive 89/556/EEC. That certificate should take account of the adaptations set out in point 2 of Chapter VI(B) of Appendix 2 of Annex 11 to the Agreement between the European Community and the Swiss Confederation on Trade in Agricultural Products, as approved by Decision 2002/309/EC, Euratom of the Council, and of the Commission as regards the Agreement on Scientific and Technological Cooperation, of 4 April 2002 on the conclusion of seven Agreements with the Swiss Confederation [3].

[1] OJ L 302, 19.10.1989, p. 1.
[2] OJ L 57, 28.2.2006, p. 19.
[3] OJ L 114, 30.4.2002, p. 1.

(8) On the basis of Directive 89/556/EEC, New Zealand was also recognised as a third country with an animal health status equivalent to that of Member States for imports of *in vivo* derived embryos.

(9) It is therefore appropriate that *in vivo* derived embryos collected in New Zealand and imported into the Union from that third country are accompanied by a simplified certificate drawn up in accordance with the appropriate model health certificate set out in Annex IV to Commission Decision 2003/56/EC of 24 January 2003 on health certificates for the importation of live animals and animal products from New Zealand [1] laid down in accordance with the Agreement between the European Community and New Zealand on sanitary measures applicable to trade in live animals and animal products [2], as approved by Council Decision 97/132/EC [3].

(10) Commission Decision 2007/240/EC [4] provides that the various veterinary, public and animal health certificates required for the imports into the Union of live animals, semen, embryo, ova and products of animal origin are to be based on the standard models for veterinary certificates set out in Annex I thereto. In the interests of consistency and simplification of Union legislation, the model veterinary certificates set out in Annexes II, III and IV to Decision 2006/168/EC should take account of Decision 2007/240/EC.

(11) Annexes I to IV to Decision 2006/168/EC should therefore be amended accordingly.

(12) To avoid any disruption of trade, the use of veterinary certificates issued in accordance with Decision 2006/168/EC in its version prior to the amendments introduced by this Decision should be authorised during a transitional period subject to certain conditions.

(13) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS DECISION:

Article 1

Annexes I to IV to Decision 2006/168/EC are amended in accordance with the Annex to this Decision.

Article 2

For a transitional period until 30 June 2013, Member States shall continue to authorise imports of consignments of embryos of domestic animals of the bovine species from third countries which are accompanied by a veterinary certificate issued not later than 31 May 2013 in accordance with the models set out in Annexes II, III and IV to Decision 2006/168/EC in its version prior to the amendments introduced by this Decision.

Article 3

This Decision shall apply from 1 January 2013.

Article 4

This Decision is addressed to the Member States.

Done at Brussels, 17 July 2012.

For the Commission

John DALLI

Member of the Commission

[1] OJ L 22, 25.1.2003, p. 38.
[2] OJ L 57, 26.2.1997, p. 5.
[3] OJ L 57, 26.2.1997, p. 4.
[4] OJ L 104, 21.4.2007, p. 37.

ANNEX

Annexes I to IV to Decision 2006/168/EC are replaced by the following:

'ANNEX I

ISO code	Third country	Applicable veterinary certificate		
AR	Argentina	ANNEX II	ANNEX III	ANNEX IV
AU	Australia	ANNEX II	ANNEX III	ANNEX IV
CA	Canada	ANNEX II	ANNEX III	ANNEX IV
CH	Switzerland (*)	ANNEX II	ANNEX III	ANNEX IV
HR	Croatia	ANNEX II	ANNEX III	ANNEX IV
IL	Israel	ANNEX II	ANNEX III	ANNEX IV
MK	the former Yugoslav Republic of Macedonia (**)	ANNEX II	ANNEX III	ANNEX IV
NZ	New Zealand (***)	ANNEX II	ANNEX III	ANNEX IV
US	United States	ANNEX II	ANNEX III	ANNEX IV

(*) For *in vivo* derived and *in vitro* produced embryos, the certificates to be used for imports from Switzerland are set out in Annex C to Directive 89/556/EEC, with the adaptations set out in point 2 of Chapter VI(B) of Appendix 2 of Annex 11 to the Agreement between the European Community and the Swiss Confederation on Trade in Agricultural Products as approved by Decision 2002/309/EC, Euratom of the Council, and of the Commission as regards the Agreement on Scientific and Technological Cooperation of 4 April 2002 on the conclusion of seven Agreements with the Swiss Confederation.

(**) Provisional code that does not affect the definitive denomination of the country to be attributed after the conclusion of the negotiations currently taking place in the United Nations.

(***) For *in vivo* derived embryos, the certificate to be used for imports from New Zealand is set out in Annex IV to Commission Decision 2003/56/EC of 24 January 2003 on health certificates for the importation of live animals and animal products from New Zealand (only for the embryos collected in New Zealand), laid down in accordance with the Agreement between the European Community and New Zealand on sanitary measures applicable to trade in live animals and animal products, as approved by Council Decision 97/132/EC.

ANNEX II

Model veterinary certificate for imports of *in vivo* derived embryos of domestic animals of the bovine species collected in accordance with Council Directive 89/556/EEC

COUNTRY **Veterinary certificate to EU**

Part I: Details of dispatched consignment

I.1. Consignor Name Address Tel.		I.2. Certificate reference No	I.2.a.
		I.3. Central competent authority	
		I.4. Local competent authority	
I.5. Consignee Name Address Postal code Tel.		I.6. Person responsible for the load in EU Name Address Postal code Tel.	
I.7. Country of origin ISO code	I.8. Region of origin Code	I.9. Country of destination ISO code	I.10. Region of destination Code
I.11. Place of origin Name Approval number Address Name Approval number Address Name Approval number Address		I.12. Place of destination Name Address Postal cod	
I.13. Place of loading		I.14. Date of departure	
I.15. Means of transport Aeroplane ☐ Ship ☐ Railway wagon ☐ Road vehicle ☐ Other ☐ Identification Documentary references		I.16. Entry BIP in EU	
		I.17.	
I.18. Description of commodity		I.19. Commodity code (HS code) **05 11 99 85**	
		I.20. Quantity	
I.21.		I.22. Number of packages	
I.23. Seal/Container No		I.24.	
I.25. Commodities certified for: Artificial reproduction ☐			
I.26. For transit through EU to third country ☐ Third country ISO code		I.27. For import or admission into EU ☐	

I.28. Identification of the commodities

Species (Scientific name)	Breed	Category	Donor identity	Date of collection	Date of freezing	Approval number of the team	Quantity

COUNTRY ***In vivo* derived bovine embryos**

Part II: Certification

II.	Health information	II.a. Certificate reference No	II.b.

I, the undersigned, official veterinarian of the ..... certify that:
(exporting country) (2)

II.1. The embryos to be exported:

II.1.1. were collected in the exporting country, which according to official findings:

II.1.1.1. was free from rinderpest during the 12 months immediately prior to their collection;

(1) *either* [II.1.1.2. was free from foot-and-mouth disease during the 12 months immediately prior to their collection and did not carry out vaccination against foot-and-mouth disease during that period.]

(1) *or* [II.1.1.2. was not free from foot-and-mouth disease during the 12 months immediately prior to their collection and/or carried out vaccination against foot-and-mouth disease during that period, and:

— the embryos were not subjected to penetration of the *zona pellucida*,

— the embryos were stored under approved conditions for at least 30 days immediately after their collection,

— the donor females come from holdings on which no animal was vaccinated against foot-and-mouth disease during the 30 days prior to collection and no animal of a susceptible species showed clinical signs of foot-and-mouth disease during the 30 days prior to, and at least the 30 days after, the embryos were collected.]

II.1.2. were collected by the embryo collection team (3):

— approved in accordance with Chapter I of Annex A to Directive 89/556/EEC;

— which carried out the collection, processing, storing and transport of the embryos in accordance with Chapter II of Annex A to Directive 89/556/EEC;

— subject to inspection by an official veterinarian at least twice a year.

II.1.3. were collected and processed on premises situated in an area of at least 10 km radius centred on them, on which according to official findings there was no incidence of foot-and-mouth disease, epizootic haemorrhagic disease, vesicular stomatitis, Rift Valley fever or contagious bovine pleuropneumonia in the 30 days immediately prior to their collection and until dispatch to the Union, in the case of fresh embryos, or during the 30 days after collection, in the case of embryos subject to a mandatory storage for at least 30 days in accordance with point II.1.1.2.

II.1.4. from the time of collection until 30 days thereafter or, in the case of fresh embryos until the day of their dispatch to the Union, they were stored on premises situated in an area of at least 10 km radius centred on them, on which according to official findings there was no incidence of foot-and-mouth disease, vesicular stomatitis, Rift Valley fever or contagious bovine pleuropneumonia.

II.1.5. were collected from the donor females, which:

II.1.5.1. were located, during the 30 days immediately prior to collection, on premises situated in an area of at least 10 km radius centred on them, on which, according to official findings, there was no incidence of foot-and-mouth disease, bluetongue, epizootic haemorrhagic disease, vesicular stomatitis, Rift Valley fever or contagious bovine pleuropneumonia;

II.1.5.2. showed no clinical signs of disease on the day of collection;

II.1.5.3. spent the six months immediately prior to collection within the territory of the exporting country in no more than two herds:

— which, according to official findings, were free from tuberculosis during that time,

— which, according to official findings, were free from brucellosis during that time,

— which were free from enzootic bovine leukosis or in which no bovine animal showed clinical signs of enzootic bovine leukosis during the previous three years,

— in which no bovine animal showed clinical signs of infectious bovine rhinotracheitis/infectious pustular vulvo-vaginitis during the previous 12 months.

II.1.6. The embryos to be exported were conceived by artificial insemination using semen coming from semen collection or storage centres approved for the collection, processing and/or storage of semen by the competent authority of a third country or part thereof listed in Annex I to Commission Implementing Decision 2011/630/EU (4) or by the competent authority of a Member State.

COUNTRY ***In vivo* derived bovine embryos**

II. Health information	II.a. Certificate reference No	II.b.

Notes

Part I:

Box I.6: *Person responsible for the load in EU*: this box is to be filled in only if it is a certificate for transit commodity.

Box I.11: Place of origin shall correspond to the embryo collection team from which the embryos are dispatched to the Union and which is listed in accordance with Article 8(2) of Directive 89/556/EEC on the Commission website: http://ec.europa.eu/food/animal/semen_ova/bovine/ova_embryos_en.htm.

Box I.22: *Number of packages* shall correspond to the number of containers.

Box I.23: identification of container and seal number shall be indicated.

Box I.26: fill in according to whether it is a transit or an import certificate.

Box I.27: fill in according to whether it is a transit or an import certificate.

Box I.28: *Species*: select amongst 'Bos taurus', 'Bison bison' or 'Bubalus bubalis' as appropriate.

Category: select 'in vivo derived embryos'.

Donor identity shall correspond to the official identification of the animal.

Date of collection shall be indicated in the following format: dd.mm.yyyy.

Approval number of the team: shall correspond to the embryo collection team by which the embryos were collected, processed and stored; and listed in accordance with Article 8(2) of Directive 89/556/EEC on the Commission website: http://ec.europa.eu/food/animal/semen_ova/bovine/ova_embryos_en.htm.

Part II:

([1]) Delete as appropriate.

([2]) Only third countries listed in Annex I to Decision 2006/168/EC.

([3]) Only embryo collection teams listed in accordance with Article 8(2) of Directive 89/556/EEC on Commission website: http://ec.europa.eu/food/animal/semen_ova/bovine/ova_embryos_en.htm.

([4]) OJ L 247, 24.9.2011, p. 32.

— The signature and the stamp must be in a different colour to that of the printing.

Official veterinarian

Name (in capital letters): Qualification and title:

Date: Signature:

Stamp:

ANNEX III

Model veterinary certificate for imports of *in vitro* produced embryos of domestic animals of the bovine species conceived using semen complying with Council Directive 88/407/EEC

COUNTRY **Veterinary certificate to EU**

Part I: Details of dispatched consignment

I.1. Consignor Name Address Tel.				I.2. Certificate reference No		I.2.a.		
				I.3. Central competent authority				
				I.4. Local competent authority				
I.5. Consignee Name Address Postal code Tel.				I.6. Person responsible for the load in EU Name Address Postal code Tel.				
I.7. Country of origin	ISO code	I.8. Region of origin	Code	I.9. Country of destination	ISO code	I.10. Region of destination	Code	
I.11. Place of origin Name Address Approval number Name Address Approval number Name Address Approval number				I.12. Place of origin Name Address Postal code				
I.13. Place of loading				I.14. Date of departure				
I.15. Means of transport Aeroplane ☐ Ship ☐ Railway wagon ☐ Road vehicle ☐ Other ☐ Identification Documentary references				I.16. Entry BIP in EU I.17.				
I.18. Description of commodity				I.19. Commodity code (HS code) **05 11 99 85**				
				I.20. Quantity				
I.21.				I.22. Number of packages				
I.23. Seal/Container No				I.24.				
I.25. Commodities certified for: Artificial reproduction ☐								
I.26. For transit through EU to third country ☐ Third country ISO code				I.27. For import or admission into EU ☐				

I.28. Identification of the commodities

Species (scientific name)	Breed	Category	Dam identity	Sire identity	Date of freezing	Approval number of the team	Quantity

COUNTRY ***In vitro* produced bovine embryos**

Part II: Certification

II. Health information	II.a. Certificate reference No	II.b.

I, the undersigned, official veterinarian of ..... certify that:
(exporting country) (2)

II.1. The embryos to be exported:

II.1.1. were produced in the exporting country, which according to official findings:

II.1.1.1. was free from rinderpest during the 12 months immediately prior to their production;

(1) *either* [II.1.1.2. was free from foot-and-mouth disease during the 12 months immediately prior to their production and did not carry out vaccination against foot-and-mouth disease during that period.]

(1) *or* [II.1.1.2. was not free from foot-and-mouth disease during the 12 months immediately prior to their production and/or carried out vaccination against foot-and-mouth disease during that period, and

— the embryos were produced without penetration of the *zona pellucida*,

— the embryos were stored under approved conditions for at least 30 days immediately after their production,

— the donor females come from holdings on which no animal was vaccinated against foot-and-mouth disease during the 30 days prior to collection and no animal of a susceptible species showed clinical signs of foot-and-mouth disease during the 30 days prior to, and at least the 30 days after, the oocytes were collected.]

II.1.2. were produced by the embryo production team (3) which:

— has been approved in accordance with Chapter I of Annex A to Directive 89/556/EEC,

— carried out the production, processing, storing and transport in accordance with Chapter II of Annex A to Directive 89/556/EEC,

— is subject to inspection by an official veterinarian at least twice a year.

II.2. The oocytes used in the production of the embryos to be exported were collected on premises situated in an area of at least 10 km radius centred on them, on which according to official findings there was no incidence of foot-and-mouth disease, epizootic haemorrhagic disease, vesicular stomatitis, Rift Valley fever or contagious bovine pleuropneumonia in the 30 days immediately prior to their collection and until their dispatch to the Union, in the case of fresh embryos, or during the 30 days after collection, in the case of embryos subject to a mandatory storage for at least 30 days in accordance with point II.1.1.2.

II.3. From the time of collection until 30 days thereafter or, in the case of fresh embryos until the day of dispatch, the embryos to be exported were stored on premises situated in an area of at least 10 km radius centred on them, on which according to official findings there was no incidence of foot-and-mouth disease, vesicular stomatitis, Rift Valley fever or contagious bovine pleuropneumonia.

II.4. The donors of oocytes used in the production of the embryos to be exported:

II.4.1. were located, during the 30 days immediately prior to collection of the oocytes, on premises situated in an area of at least 10-km radius on which, according to official findings, there was no incidence of foot-and-mouth disease, bluetongue, epizootic haemorrhagic disease, vesicular stomatitis, Rift Valley fever or contagious bovine pleuropneumonia;

II.4.2. showed no clinical signs of disease on the day of collection;

II.4.3. spent the six months immediately prior to collection within the territory of the exporting country in no more than two herds:

— which, according to official findings, were free from tuberculosis during that time,

— which, according to official findings, were free from brucellosis during that time,

— which were free from enzootic bovine leukosis or in which no bovine animal showed clinical signs of enzootic bovine leukosis during the previous three years,

— in which no bovine animal showed clinical signs of infectious bovine rhinotracheitis/infectious pustular vulvo-vaginitis during the previous 12 months;

(1) *either* [II.4.4. were kept in a bluetongue virus-free country or zone for at least 60 days prior to, and during, collection of the oocytes.]

COUNTRY ***In vitro* produced bovine embryos**

II. Health information	II.a. Certificate reference No	II.b.

([1]) *or* [II.4.4. were kept during a seasonally free period or protected from the vector for at least 60 days prior to, and during, the collection of the oocytes, and the embryos were produced without penetration of the *zona pellucida*, except if the donors underwent a serological test to detect antibodies to the bluetongue virus group, carried out in accordance with the OIE Manual of Diagnostic Tests and Vaccines for Terrestrial Animals between 21 and 60 days after collection and giving negative results and the embryos were stored for at least 30 days.]

([1]) *or* [II.4.4. underwent a serological test to detect antibodies to the bluetongue virus group, carried out in accordance with the OIE Manual of Diagnostic Tests and Vaccines for Terrestrial Animals between 21 and 60 days after collection and giving negative results, and the embryos were stored for at least 30 days.]

([1]) *or* [II.4.4. underwent an agent identification test, carried out in accordance with the OIE Manual of Diagnostic Tests and Vaccines for Terrestrial Animals on a blood sample taken on the day of collection or the day of slaughtering and giving negative results – the embryos having been produced, in the latter case, without penetration of the *zona pellucida*.]

II.5. The embryos to be exported were conceived by *in vitro* fertilisation using semen coming from semen collection or storage centres ([4]):

([1]) *either* [II.5.1. approved in accordance with Article 5(1) of Directive 88/407/EEC and located in a Member State of the European Union, and the semen complies with the requirements of Directive 88/407/EEC.]

([1]) *or* [II.5.1. approved in accordance with Article 9(1) of Directive 88/407/EEC and located in a third country or part thereof listed in Annex I to Commission Implementing Decision 2011/630/EU, and the semen complies with the requirements set out in Section A of Part 1 of Annex II to that Decision.]

Notes

Part I:

Box I.6: *Person responsible for the load in EU*: this box is to be filled in only if it is a certificate for transit commodity.

Box I.11: *Place of origin* shall correspond to the embryo collection team from which the embryos are dispatch to the Union and listed in accordance with Article 8(2) of Directive 89/556/EEC on the Commission website:
http://ec.europa.eu/food/animal/semen_ova/bovine/ova_embryos_en.htm.

Box I.22: *Number of packages* shall correspond to the number of containers.

Box I.23: identification of container and seal number shall be indicated.

Box I.26: fill in according to whether it is a transit or an import certificate.

Box I.27: fill in according to whether it is a transit or an import certificate.

Box I.28: *Species*: select amongst "*Bos taurus*", "*Bison bison*" or "*Bubalus bubalis*" as appropriate.

Category: select *"in vivo derived embryos"*.

Dam identity shall correspond to the official identification of the animal.

Sire identity shall correspond to the official identification of the animal.

Date of freezing shall be indicated in the following format: dd.mm.yyyy

Approval number of the team: shall correspond to the embryo collection team by which the embryos were collected, processed and stored; and listed in accordance with Article 8(2) of Directive 89/556/EEC on the Commission website: http://ec.europa.eu/food/animal/semen_ova/bovine/ova_embryos_en.htm

Part II:

([1]) Delete as appropriate.

([2]) Only third countries listed in Annex I to Decision 2006/168/EC.

([3]) Only embryo production teams listed in accordance with Article 8(2) of Directive 89/556/EEC on Commission website: http://ec.europa.eu/food/animal/semen_ova/bovine/ova_embryos_en.htm

([4]) Only semen collection centres listed in accordance with Article 5(2) and Article 9(2) of Directive 88/407/EEC on the Commission websites:
http://ec.europa.eu/food/animal/approved_establishments/establishments_vet_field_en.htm;
http://ec.europa.eu/food/animal/semen_ova/bovine/index_en.htm.

— The signature and the stamp must be in a different colour to that of the printing.

COUNTRY ***In vitro* produced bovine embryos**

II. Health information	II.a. Certificate reference No	II.b.
Official veterinarian Name (in capital letters): Qualification and title: Date: Signature: Stamp:		

ANNEX IV

Model veterinary certificate for imports of *in vitro*-produced embryos of domestic animals of the bovine species conceived using semen coming from semen collection or storage centres approved by the competent authority of the exporting country

COUNTRY **Veterinary certificate to EU**

Part I: Details of dispatched consignment

I.1. Consignor Name Address Tel.		I.2. Certificate reference No	I.2.a.
		I.3. Central competent authority	
		I.4. Local competent authority	
I.5. Consignee Name Address Postal code Tel.		I.6. Person responsible for the load in EU Name Address Postal code Tel.	
I.7. Country of origin ISO code	I.8. Region of origin Code	I.9. Country of destination ISO code	I.10. Region of destination Code
I.11. Place of origin Name Approval number Address Name Approval number Address Name Approval number Address		I.12. Place of destination Name Address Postal code	
I.13. Place of loading		I.14. Date of departure	
I.15. Means of transport Aeroplane ☐ Ship ☐ Railway wagon ☐ Road vehicle ☐ Other ☐ Identification Documentary references		I.16. Entry BIP in EU	
		I.17.	
I.18. Description of commodity		I.19. Commodity code (HS code) **05 11 99 85**	
		I.20. Quantity	
I.21.		I.22. Number of packages	
I.23. Seal/Container No		I.24.	
I.25. Commodities certified for: Artificial reproduction ☐			
I.26. For transit through EU to third country ☐ Third country ISO code		I.27. For import or admission into EU ☐	

I.28. Identification of the commodities

Species (Scientific name)	Breed	Category	Dam identity	Sire identity	Date of freezing	Approval number of the team	Quantity

COUNTRY

***In vitro* produced bovine embryos using semen from semen centres approved by the exporting country**

II. Health information	II.a. Certificate reference No	II.b.

Part II: Certification

I, the undersigned, official veterinarian of ..... certify that:
(exporting country) (2)

II.1. The embryos to be exported

II.1.1. were produced in the exporting country, which according to official findings:

II.1.1.1. was free from rinderpest during the 12 months immediately prior to their production;

(1) *either* [II.1.1.2. was free from foot-and-mouth disease during the 12 months immediately prior to their production and did not carry out vaccination against foot-and-mouth disease during that period.]

(1) *or* [II.1.1.2. was not free from foot-and-mouth disease during the 12 months immediately prior to their production and/or carried out vaccination against foot-and-mouth disease during that period, and

— the embryos were produced without penetration of the *zona pellucida*,

— the embryos were stored under approved conditions for at least 30 days immediately after their production,

— the donor females come from holdings on which no animal was vaccinated against foot-and-mouth disease during the 30 days prior to collection and no animal of a susceptible species showed clinical signs of foot-and-mouth disease during the 30 days prior to, and at least the 30 days after, the oocytes were collected.]

II.1.2. were produced by the embryo production team (3) which:

— has been approved in accordance with Chapter I of Annex A to Directive 89/556/EEC;

— carried out the production, processing, storing and transport of the embryos in accordance with Chapter II of Annex A to Directive 89/556/EEC;

— is subject to inspection by an official veterinarian at least twice a year.

II.2. The oocytes used in the production of the embryos to be exported were collected on premises situated in an area of at least 10 km radius centred on them, on which according to official findings there was no incidence of foot-and-mouth disease, epizootic haemorrhagic disease, vesicular stomatitis, Rift Valley fever or contagious bovine pleuropneumonia in the 30 days immediately prior to their collection and until their dispatch to the Union, in case of fresh embryos, or during the 30 days after collection, in case of embryos subject to a mandatory storage for at least 30 days in accordance with point II.2.2.

II.3. From the time of collection until 30 days thereafter or, in the case of fresh embryos until the day of dispatch, the embryos to be exported were stored on premises situated in an area of at least 10 km radius centred on them, on which according to official findings there was no incidence of foot-and-mouth disease, vesicular stomatitis, Rift Valley fever or contagious bovine pleuropneumonia.

II.4. The donors of oocytes used in the production of the embryos to be exported:

II.4.1. were located, during the 30 days immediately prior to collection of the oocytes, on premises within a 10-km radius of which, according to official findings, there was no incidence of foot-and-mouth disease, bluetongue, epizootic haemorrhagic disease, vesicular stomatitis, Rift Valley fever or contagious bovine pleuropneumonia;

II.4.2. showed no clinical signs of disease on the day of collection;

II.4.3. spent the six months immediately prior to collection within the territory of the exporting country in no more than two herds:

— which, according to official findings, were free from tuberculosis during that time,

— which, according to official findings, were free from brucellosis during that time,

— which were free from enzootic bovine leukosis or in which no animal showed clinical signs of enzootic bovine leukosis during the previous three years,

— in which no bovine animal showed clinical signs of infectious bovine rhinotracheitis/infectious pustular vulvo-vaginitis during the previous 12 months.

(1) *either* [II.4.4. were kept in a bluetongue virus-free country or zone for at least 60 days prior to, and during, collection of the oocytes.]

COUNTRY

***In vitro* produced bovine embryos using semen from semen centres approved by the exporting country**

II. Health information	II.a. Certificate reference No	II.b.

([1]) *or* [II.4.4. were kept during a seasonally free period or protected from the vector for at least 60 days prior to, and during, the collection of the oocytes, and the embryos were produced without penetration of the *zona pellucida*, except if the donors underwent a serological test to detect antibodies to the bluetongue virus group, carried out in accordance with the OIE Manual of Diagnostic Tests and Vaccines for Terrestrial Animals between 21 and 60 days after collection and giving negative results and the embryos were stored for at least 30 days.]

([1]) *or* [II.4.4. underwent a serological test to detect antibodies to the bluetongue virus group, carried out in accordance with the OIE Manual of Diagnostic Tests and Vaccines for Terrestrial Animals between 21 and 60 days after collection and giving negative results, and the embryos were stored for at least 30 days.]

([1]) *or* [II.4.4. underwent an agent identification test, carried out in accordance with the OIE Manual of Diagnostic Tests and Vaccines for Terrestrial Animals on a blood sample taken on the day of collection or the day of slaughtering and giving negative results – the embryos having been produced, in the latter case, without penetration of the *zona pellucida*.]

II.5. The embryos to be exported were conceived by *in vitro* fertilisation using semen coming from semen collection or storage centres approved for the collection, processing and/or storage of semen by the competent authority of a third country or a part thereof listed in Annex I to Commission Implementing Decision 2011/630/EU ([4]) or by the competent authority of a Member State.

Notes

In accordance with Article 3(a) of Directive 89/556/EEC, the *in vitro* produced bovine embryos using semen from semen centres approved by the exporting country, imported under the conditions laid down in this certificate are excluded from intra-Union trade.

Part I:

Box I.6: *Person responsible for the load in EU*: this box is to be filled in only if it is a certificate for transit commodity.

Box I.11: *Place of origin* shall correspond to the embryo collection team from which the embryos are dispatch to the Union and listed in accordance with Article 8(2) of Directive 89/556/EEC on the Commission website:
http://ec.europa.eu/food/animal/semen_ova/bovine/ova_embryos_en.htm.

Box I.22: number of packages shall correspond to the number of containers.

Box I.23: identification of container and seal number shall be indicated.

Box I.26: fill in according to whether it is a transit or an import certificate.

Box I.27: fill in according to whether it is a transit or an import certificate.

Box I.28: *Species*: select amongst "*Bos taurus*", "*Bison bison*" or "*Bubalus bubalis*" as appropriate.

Category: select "*in vivo* produced embryos".

Dam identity shall correspond to the official identification of the animal.

Sire identity shall correspond to the official identification of the animal.

Date of freezing shall be indicated in the following format: dd.mm.yyyy

Approval number of the team: shall correspond to the embryo production team by which the embryos were produced, processed and stored; and listed in accordance with Article 8(2) of Directive 89/556/EEC on the Commission website: http://ec.europa.eu/food/animal/semen_ova/bovine/ova_embryos_en.htm.

Part II:

([1]) Delete as appropriate.

([2]) Only third countries listed in Annex I to Decision 2006/168/EC.

([3]) Only embryo production teams listed in accordance with Article 8(2) of Directive 89/556/EEC on the Commission website: http://ec.europa.eu/food/animal/semen_ova/bovine/ova_embryos_en.htm.

([4]) Only third countries listed in Annex I to Implementing Decision 2011/630/EU.

— The signature and the stamp must be in a different colour to that of the printing.

COUNTRY

***In vitro* produced bovine embryos using semen from semen centres approved by the exporting country**

II. Health information	II.a. Certificate reference No	II.b.
Official veterinarian Name (in capital letters): Qualification and title: Date: Signature: Stamp:'		

COMMISSION IMPLEMENTING DECISION

of 18 July 2012

amending Implementing Decision 2011/630/EU as regards animal health requirements relating to bluetongue and Simbu viruses

(notified under document C(2012) 4882)

(Text with EEA relevance)

(2012/415/EU)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Council Directive 88/407/EEC of 14 June 1988 laying down the animal health requirements applicable to intra-Community trade in and imports of semen of domestic animals of the bovine species [1], and in particular the first subparagraph of Article 10(2) and Article 11(2) thereof,

Whereas:

(1) Commission Implementing Decision 2011/630/EU of 20 September 2011 on imports into the Union of semen of domestic animals of the bovine species [2] lays down the list of third countries from which Member States are to authorise imports of semen of domestic animals of the bovine species and additional guarantees as regards specific animal diseases to be provided by certain third countries listed in Annex I thereto. It also lays down certification requirements for the imports of such semen into the Union.

(2) The model animal health certificate in Section A of Part 1 of Annex II to Implementing Decision 2011/630/EU includes the animal health requirements for imports into the Union of semen of domestic animals of the bovine species collected, processed and stored in accordance with Directive 88/407/EEC, as amended by Council Directive 2003/43/EC [3].

(3) The current animal health requirements for bluetongue in the model health certificate in Section A of Part 1 of Annex II to Implementing Decision 2011/630/EU provide that donor animals must fulfil the import conditions for bovine semen laid down in the Bluetongue Chapter of the Terrestrial Animal Health Code of the World Organisation for Animal Health (OIE). That Chapter recommends a whole range of risk mitigating measures aiming at either protecting the mammalian host from exposure to the infectious vector or at inactivating the virus by antibodies. In the interest of legal certainty, it is appropriate that that model health certificate sets out clearly the relevant requirements and the guarantees to be provided by the exporting third country, depending on the epidemiological situation.

(4) In addition, the OIE has laid down a chapter on Surveillance for arthropod vectors of animal diseases in the Terrestrial Animal Health Code. Those recommendations do not include the monitoring of ruminants for antibodies to Simbu viruses, such as the Akabane and Aino viruses of the *Bunyaviridae* family, which in the past was considered an economical method for determining the distribution of bluetongue competent vectors until more information on the spread of those diseases became available.

(5) Also, the OIE does not list Akabane and Aino diseases in the Terrestrial Animal Health Code. Consequently, the requirement for annual testing for those diseases to prove the absence of the vector should be deleted from Annex I to Implementing Decision 2011/630/EU and from the model health certificate in Section A of Part 1 of Annex II thereto.

(6) Implementing Decision 2011/630/EU should therefore be amended accordingly.

(7) To avoid any disruption of trade, the use of animal health certificates issued in accordance with Implementing Decision 2011/630/EU in its version prior to the amendments introduced by this Decision should be authorised during a transitional period subject to certain conditions.

(8) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS DECISION:

Article 1

The Annexes to Implementing Decision 2011/630/EU are amended in accordance with the Annex to this Decision.

Article 2

For a transitional period until 30 June 2013, Member States shall authorise imports of semen and stocks of semen from third countries which are accompanied by an animal health certificate issued not later than 31 May 2013 in accordance with the model set out in Section A of Part 1 of Annex II to Implementing Decision 2011/630/EU before the amendments introduced by this Decision.

[1] OJ L 194, 22.7.1988, p. 10.
[2] OJ L 247, 24.9.2011, p. 32.
[3] OJ L 143, 11.6.2003, p. 23.

Article 3

This Decision shall apply from 1 January 2013.

Article 4

This Decision is addressed to the Member States.

Done at Brussels, 18 July 2012.

For the Commission
John DALLI
Member of the Commission

ANNEX

1. Annex I is replaced by the following:

'ANNEX I

List of third countries or parts thereof from which Member States shall authorise imports of semen of domestic animals of the bovine species

ISO Code	Name of the third country	Remarks	
		Description of the territory (if appropriate)	Additional guarantees
AU	Australia		The additional guarantee concerning testing set out in point II.5.4.1 of the certificate in Section A of Part 1 of Annex II is compulsory.
CA	Canada (*)		
CH	Switzerland (**)		
CL	Chile		
GL	Greenland		
HR	Croatia		
IS	Iceland		
NZ	New Zealand		
PM	Saint Pierre and Miquelon		
US	United States		The additional guarantee set out in point II.5.4.1 of the certificate in Section A of Part 1 of Annex II is compulsory.

(*) The certificate to be used for imports from Canada is set out in Commission Decision 2005/290/EC of 4 April 2005 on simplified certificates for the importation of bovine semen and fresh pig meat from Canada and amending Decision 2004/639/EC (only for the semen collected in Canada) laid down in accordance with the Agreement between the European Community and the Government of Canada on sanitary measures to protect public and animal health in respect of trade in live animals and animal products, as approved by Council Decision 1999/201/EC.

(**) The certificates to be used for imports from Switzerland are set out in Annex D to Directive 88/407/EEC, with the adaptations set out in point 4 of Chapter VII(B) of Appendix 2 of Annex 11 to the Agreement between the European Community and the Swiss Confederation on trade in agricultural products as approved by Decision 2002/309/EC, Euratom of the Council, and of the Commission as regards the Agreement on Scientific and Technological Cooperation of 4 April 2002 on the conclusion of seven Agreements with the Swiss Confederation.'

2. In Part 1 of Annex II, Section A is replaced by the following:

'SECTION A

Model 1 — Animal health certificate applicable to imports and transits of semen of domestic animals of the bovine species collected, processed and stored in accordance with Council Directive 88/407/EEC, as amended by Directive 2003/43/EC, dispatched from a semen collection centre where the semen was collected

COUNTRY **Veterinary certificate to EU**

Part I : Details of dispatched consignment

I.1. Consignor Name Address Tel.			I.2. Certificate reference No	I.2.a.
			I.3. Central competent authority	
			I.4. Local competent authority	
I.5. Consignee Name Address Postal code Tel.			I.6. Person responsible for the load in EU Name Address Postal code Tel.	
I.7. Country of origin ISO code	I.8. Region of origin Code		I.9. Country of destination ISO code	I.10. Region of destination Code
I.11. Place of origin Name Approval number Address Name Approval number Address Name Approval number Address			I.12. Place of destination Name Address Postal code	
I.13. Place of loading			I.14. Date of departure	
I.15. Means of transport Aeroplane ☐ Ship ☐ Railway wagon ☐ Road vehicle ☐ Other ☐ Identification Documentary references			I.16. Entry BIP in EU I.17.	
I.18. Description of commodity			I.19. Commodity code (HS code) **05 11 10**	
				I.20. Quantity
I.21.				I.22. Number of packages
I.23. Seal/Container No				I.24.
I.25. Commodities certified for: Artificial reproduction ☐				
I.26. For transit through EU to third country ☐ Third country ISO code			I.27. For import or admission into EU ☐	
I.28. Identification of the commodities Species (Scientific name) Breed Donor identity Date of collection Approval number of the centre Quantity				

COUNTRY **Bovine semen — Section A**

II. Health information	II.a. Certificate reference No	II.b.

Part II: Certification

I, the undersigned official veterinarian, hereby certify that :

II.1. .....
(name of exporting country) (2)

was free from rinderpest and foot-and-mouth disease during the 12 months immediately prior to collection of the semen for export and until its date of dispatch to the Union and no vaccination against these diseases has taken place during the same period.

II.2. The centre (3) described in Box. I.11. at which the semen to be exported was collected:

II.2.1. meets the conditions laid down in Chapter I(1) of Annex A to Directive 88/407/EEC;

II.2.2. is operated and supervised in accordance with the conditions laid down in Chapter II(1) of Annex A to Directive 88/407/EEC.

II.3. The centre at which the semen to be exported was collected was free from rabies, tuberculosis, brucellosis, anthrax and contagious bovine pleuropneumonia during 30 days prior to the date of collection of the semen to be exported and the 30 days after collection (in the case of fresh semen until the day of dispatch to the Union).

II.4. The bovine animals standing at the semen collection centre:

II.4.1. come from herds which satisfy the conditions of paragraph 1(b) of Chapter I of Annex B to Directive 88/407/EEC;

II.4.2. come from herds or were born to dams which comply with the conditions of Chapter I.1(c) of Annex B to Directive 88/407/EEC, or were tested at the age of at least 24 months in accordance with Chapter II.1(c) of Annex B to that Directive;

II.4.3. underwent the tests required in accordance with paragraph 1(d) of Chapter I of Annex B to Directive 88/407/EEC in the 28 days preceding the quarantine isolation period;

II.4.4. have satisfied the quarantine isolation period and testing requirements laid down in paragraph 1(e) of Chapter I of Annex B to Directive 88/407/EEC;

II.4.5. have undergone, at least once a year, the routine tests referred to in Chapter II of Annex B to Directive 88/407/EEC.

II.5. The semen to be exported was obtained from donor bulls which:

II.5.1. satisfy the conditions laid down in Annex C of Directive 88/407/EEC;

(1) either [II.5.2. have remained in the exporting country for at least the last six months prior to collection of the semen to be exported;]

(1) or [II.5.2. have remained in the exporting country for at least 30 days prior to the collection of the semen since entry and they were imported from ..... (2) during the period of less than six months prior to the collection of the semen and satisfied the animal health conditions applying to donors of the semen which is intended for export to the European Union;]

(1) either [II.5.3. were kept in a bluetongue virus-free country or zone for at least 60 days prior to, and during, collection of the semen;]

(1) or [II.5.3. were kept during a bluetongue virus seasonally free period in a seasonally free zone for at least 60 days prior to, and during collection of the semen;]

(1) or [II.5.3. were kept in a vector-protected establishment for at least 60 days prior to, and during collection of the semen;]

(1) or [II.5.3. were subjected to a serological test to detect antibodies to the bluetongue virus group, carried out in accordance with the OIE Manual of Diagnostic Tests and Vaccines for Terrestrial Animals, with negative results, at least every 60 days throughout the collection period and between 21 and 60 days after the final collection for this consignment of semen;]

(1) or [II.5.3. were subjected to an agent identification test for bluetongue virus, carried out in accordance with the OIE Manual of Diagnostic Tests and Vaccines for Terrestrial Animals with negative results on blood samples taken at commencement and final collection for this consignment of semen and at least every 7 days (virus isolation test) or at least every 28 days (PCR test) during collection for this consignment of semen;]

II.5.4. were resident in the exporting country,

(1) either [II.5.4.1. which according to official findings is free from epizootic haemorrhagic disease (EHD);]

COUNTRY **Bovine semen — Section A**

II. Health information	II.a. Certificate reference No	II.b.

(1) (5) or [II.5.4.1. in which according to official findings the following serotypes of epizootic haemorrhagic disease (EHD) exist: ..... and were subjected with negative results in each case to:

(1) either [on two occasions not more than 12 months apart a serological test (4) carried out in an approved laboratory on samples of blood taken prior to and not less than 21 days following collection for this consignment of semen;]]

(1) or [a serological test (4) for the detection of antibody to the EHDV group, carried out on samples taken at intervals of not more than 60 days throughout the collection period and between 21 and 60 days after the final collection for this consignment of semen.]]

(1) or [an agent identification test (4) carried out in approved laboratories on blood samples collected at commencement and conclusion of, and at least every 7 days (virus isolation test) or at least every 28 days (PCR test) during collection for this consignment of semen.]]

II.6. The semen to be exported was collected after the date on which the centre was approved by the competent national authorities of the exporting country;

II.7. The semen to be exported was processed, stored and transported under conditions which satisfy the terms of Directive 88/407/EEC.

Notes

Part I:

Box I.6: *Person responsible for the load in EU*: this box is to be filled in only if it is a certificate for transit commodity.

Box I.11: *Place of origin* shall correspond to the semen collection centre listed in accordance with Article 9(2) of Directive 88/407/EEC on the Commission website:
http://ec.europa.eu/food/animal/semen_ova/bovine/index_en.htm and where the semen was collected.

Box I.22: number of packages shall correspond to the number of containers.

Box I.23: identification of container and seal number shall be indicated.

Box I.26: fill in according to whether it is a transit or an import certificate.

Box I.27: fill in according to whether it is a transit or an import certificate.

Box I.28: *Species*: select amongst "*Bos taurus*", "*Bison bison*" or "*Bubalus bubalis*" as appropriate.
Donor identity shall correspond to the official identification of the animal.
Date of collection shall be indicated in the following format: dd/mm/yyyy.
Approval number of the centre shall correspond to the approval number of the semen collection centre indicated in Box I.11 where the semen was collected.

Part II:

(1) Delete as necessary.

(2) Only third countries listed in Annex I to Implementing Decision 2011/630/EU.

(3) Only semen collection centres listed in accordance with Article 9(2) of Directive 88/407/EEC on the Commission website:
http://ec.europa.eu/food/animal/semen_ova/bovine/index_en.htm

(4) Standards for EHD virus diagnostic tests are described in the Bluetongue Chapter of the Manual of Diagnostic Tests and Vaccines for Terrestrial Animals.

(5) Compulsory for Australia, Canada and the United States.

— The signature and the stamp must be in a different colour to that of the printing.

COUNTRY **Bovine semen — Section A**

II. Health information	II.a. Certificate reference No	II.b.
Official veterinarian Name (in capital letters): Qualification and title: Date: Signature: Stamp:'		

COMMISSION IMPLEMENTING DECISION

of 19 July 2012

authorising methods for grading pig carcasses in Belgium

(notified under document C(2012) 4933)

(Only the Dutch and French texts are authentic)

(2012/416/EU)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Council Regulation (EC) No 1234/2007 of 22 October 2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation) [1], and in particular Article 43(m), in conjunction with Article 4 thereof,

Whereas:

(1) Point 1 of Section B.IV of Annex V to Regulation (EC) No 1234/2007 provides that, for the classification of pig carcasses, the lean-meat content has to be assessed by means of grading methods authorised by the Commission, which methods may only be statistically proven assessment methods based on the physical measurement of one or more anatomical parts of the pig carcass. The authorisation of grading methods is subject to compliance with a maximum tolerance for statistical error in assessment. That tolerance is defined in Article 23(3) of Commission Regulation (EC) No 1249/2008 of 10 December 2008 laying down detailed rules on the implementation of the Community scales for the classification of beef, pig and sheep carcasses and the reporting of prices thereof [2].

(2) By Decision 97/107/EC [3], the Commission authorised the use of five methods for grading pig carcasses in Belgium.

(3) Due to changes in the pig population, the formulae used with these methods are currently underestimating the lean meat content. It is therefore necessary to update the formula of the authorised methods and to obtain and use three new grading methods.

(4) Belgium has requested the Commission to authorise eight methods for grading pig carcasses on its territory and has presented a detailed description of the dissection trial, indicating the principles on which those methods are based, the results of its dissection trial and the equations used for assessing the percentage of lean meat in the protocol provided for in Article 23(4) of Regulation (EC) No 1249/2008.

(5) Examination of that request has revealed that the conditions for authorising those grading methods are fulfilled. Those grading methods should therefore be authorised in Belgium.

(6) Modifications of the apparatus or grading methods should not be allowed, unless they are explicitly authorised by Commission Implementing Decision.

(7) For reasons of clarity and legal certainty, Decision 97/107/EC should be repealed.

(8) In view of the technical circumstances while introducing new devices and new equations, the methods for grading pig carcasses authorised under Decision 97/107/EC should continue to apply up to 30 September 2012.

(9) The measures provided for in this Decision are in accordance with the opinion of the Management Committee for the Common Organisation of the Agricultural Markets,

HAS ADOPTED THIS DECISION:

Article 1

The use of the following methods is authorised for grading pig carcasses pursuant to point 1 of Section B.IV of Annex V to Regulation (EC) No 1234/2007 in Belgium:

(a) the 'Capteur Gras/Maigre — Sydel (CGM)' apparatus and the assessment methods related thereto, details of which are given in Part 1 of the Annex;

(b) the 'Giralda Choirometer Pork Grader (PG 200)' apparatus and the assessment methods related thereto, details of which are given in Part 2 of the Annex;

(c) the 'Hennessy Grading Probe (HGP 4)' apparatus and the assessment methods related thereto, details of which are given in Part 3 of the Annex;

(d) the 'Fat-O-Meat'er (FOM II)' apparatus and the assessment methods related thereto, details of which are given in Part 4 of the Annex;

(e) the 'OptiScan TP' apparatus and the assessment methods related thereto, details of which are given in Part 5 of the Annex;

[1] OJ L 299, 16.11.2007, p. 1.
[2] OJ L 337, 16.12.2008, p. 3.
[3] OJ L 39, 8.2.1997, p. 17.

(f) the 'CSB Image-Meater' apparatus and the assessment methods related thereto, details of which are given in Part 6 of the Annex;

(g) the 'VCS 2000' apparatus and the assessment methods related thereto, details of which are given in Part 7 of the Annex;

(h) the 'AutoFOM III' apparatus and the assessment methods related thereto, details of which are given in Part 8 of the Annex.

Article 2

Modifications of the authorised apparatus or assessment methods shall not be allowed, unless those modifications are explicitly authorised by Commission Implementing Decision.

Article 3

Decision 97/107/EC is repealed.

However, up to 30 September 2012, Belgium may continue to apply the methods for grading pig carcasses authorised under Decision 97/107/EC.

Article 4

This Decision is addressed to the Kingdom of Belgium.

Done at Brussels, 19 July 2012.

For the Commission

Dacian CIOLOȘ

Member of the Commission

ANNEX

METHODS FOR GRADING PIG CARCASSES IN BELGIUM

PART 1

Capteur gras/maigre — Sydel (CGM)

1. The rules provided for in this Part shall apply when the grading of pig carcasses is carried out by means of the apparatus known as 'Capteur Gras/Maigre — Sydel (CGM)'.

2. The apparatus shall be equipped with a high-definition Sydel probe 8 mm in width, a light-emitting infra-red diode (Honeywell) and two light sensors (Honeywell). The operating distance shall be between 0 and 105 mm. The values measured shall be converted into estimated lean meat content by the CGM itself.

3. The lean meat content of a carcass shall be calculated according to the following formula:

$$\hat{Y} = 66{,}09149 - 0{,}82047 \times X_1 + 0{,}10762 \times X_2$$

where:

$\hat{Y}$ = the estimated percentage of lean meat in a carcass,

X_1 = the thickness of backfat (including rind) in millimetres, measured 6 cm off the split line between the third and the fourth last ribs,

X_2 = the thickness of the dorsal muscle in millimetres, measured at the same time, in the same place and in the same way as X_1.

This formula shall be valid for a carcass weighing between 60 and 130 kilograms.

PART 2

Giralda choirometer pork grader (PG200)

1. The rules provided for in this Part shall apply when the grading of pig carcasses is carried out by means of the apparatus known as 'Giralda Choirometer Pork Grader (PG 200)'.

2. The PG200 apparatus shall be equipped with a probe (Siemens KOM 2110) 6 mm in width, a light diode (LED Siemens F 28) and a light sensor (Siemens F 232). The operating distance shall be between 0 and 125 mm. The values measured shall be converted into estimated lean meat content by the PG200 apparatus itself.

3. The lean meat content of a carcass shall be calculated according to the following formula:

$$\hat{Y} = 70{,}09860 - 0{,}84616 \times X_1 + 0{,}091860 \times X_2$$

where:

$\hat{Y}$ = the estimated percentage of lean meat in a carcass,

X_1 = the thickness of backfat (including rind) in millimetres, measured perpendicularly to the back of the carcass (7 cm off the split line on the outside and ± 4 cm off the split line on the inside) between the third and the fourth last ribs,

X_2 = the thickness of the dorsal muscle in millimetres, measured at the same time, in the same place and in the same way as X_1

This formula shall be valid for a carcass weighing between 60 and 130 kilograms.

PART 3

Hennessy grading probe (HGP4)

1. The rules provided for in this Part shall apply when the grading of pig carcasses is carried out by means of the apparatus known as 'Hennessy Grading Probe (HGP4)'.

2. The HGP4 apparatus shall be equipped with a probe of 5,95 millimetres diameter (and of 6,3 millimetres at the blade on top of the probe) containing a photodiode and photodetector and having an operating distance of between 0 and 120 millimetres. The results of the measurements shall be converted into estimated lean meat content by means of the HGP4 apparatus itself or a computer linked to it.

3. The lean meat content of a carcass shall be calculated according to the following formula:

$\hat{Y} = 70{,}37871 - 0{,}86986 \times X_1 + 0{,}080138 \times X_2$

where:

$\hat{Y}$ = the estimated percentage of lean meat in a carcass,

X_1 = the thickness of backfat (including rind) in millimetres, measured 6 cm off the split line between the third and the fourth last ribs,

X_2 = the thickness of the dorsal muscle in millimetres, measured at the same time, in the same place and in the same way as X_1.

This formula shall be valid for a carcass weighing between 60 and 130 kilograms.

PART 4

Fat-O-Meat'er (FOM II)

1. The rules provided for in this Part shall apply when the grading of pig carcasses is carried out by means of the apparatus known as 'Fat-O-Meat'er (FOM II)'.

2. The apparatus is a new version of the Fat-O-Meat'er measurement system. The FOM II consists of an optical probe with a knife, a depth measurement device having an operating distance of between 0 and 125 millimetres and a data acquisition and analysis board — Carometec Touch Panel i15 computer (Ingress Protection IP69K). The results of the measurements shall be converted into estimated lean meat content by the FOM II apparatus itself.

3. The lean meat content of a carcass shall be calculated according to the following formula:

$\hat{Y} = 68{,}85997 - 0{,}94985 \times X_1 + 0{,}088314 \times X_2$

where:

$\hat{Y}$ = the estimated percentage of lean meat in a carcass,

X_1 = the thickness of backfat (including rind) in millimetres, measured perpendicularly to the back of the carcass (7 cm off the split line on the outside and ± 4 cm off the split line on the inside) between the second and third last ribs,

X_2 = the thickness of the dorsal muscle in millimetres, measured at the same time, in the same place and in the same way as X_1.

This formula shall be valid for a carcass weighing between 60 and 130 kilograms.

PART 5

OptiScan TP

1. The rules provided for in this Part shall apply when the grading of pig carcasses is carried out by means of the apparatus known as 'OptiScan TP'.

2. The Optiscan-TP apparatus shall be equipped with a digital imager taking an illuminated photo of the two measurement points on the carcasses. The images shall be the base for the calculation of fat and muscle thickness according to the two points method 'Zwei-Punkte Messverfahren (ZP)'.

   The results of the measurements shall be converted into estimated lean meat content by means of the Optiscan-TP apparatus itself. The photos are saved and can later be controlled. The integrated Bluetooth® interface permits easy data transfer.

3. The lean meat content of a carcass shall be calculated according to the following formula:

$\hat{Y} = 58{,}81491 - 0{,}64150 \times X_1 + 0{,}16873 \times X_2$

where:

$\hat{Y}$ = the estimated percentage of lean meat in a carcass,

X_1 = the minimal thickness of fat (including rind) in millimetres, over the *M. gluteus medius*,

X_2 = the thickness of the lumbar muscle in millimetres, measured as the shortest distance from the front (cranial) end of the *M. gluteus medius* to the upper (dorsal) edge of the spinal canal.

This formula shall be valid for a carcass weighing between 60 and 130 kilograms.

PART 6

CSB Image Meater (CSB)

1. The rules provided for in this Part shall apply when the grading of pig carcasses is carried out by means of the apparatus known as 'CSB Image-Meater'.

2. The CSB-Image-Meater apparatus is an online picture-processing system where via a camera system carcass's halves are automatically filmed. The picture data is then processed in a computer by special picture processing software. The CSB-Image-Meater variables shall be measured at the split line in the ham area (around *M. gluteus medius*). The results of the measurements shall be converted into estimates of the percentage of lean meat.

3. The lean meat content of a carcass shall be calculated according to the following formula:

$$\hat{Y} = 71{,}65733 - (0{,}22223 \times S) + (0{,}032383 \times F) - (0{,}20522 \times MS) + (0{,}053050 \times MF) - (0{,}13195 \times WL) - (0{,}16384 \times WaS)$$

where:

$\hat{Y}$ = the estimated percentage of lean meat in a carcass,

S = the minimal thickness of fat (including rind) in millimetres, over *M. gluteus medius*,

F = the thickness of the lumbar muscle in millimetres, measured as the shortest distance from the front (cranial) end of *M. gluteus medius* to the upper (dorsal) edge of the spinal canal,

MS = the average thickness of fat over *M. gluteus medius* (mm),

MF = the average muscle depth below *M. gluteus medius* (mm),

WL = the average length of vertebrae including spinal disks (mm),

WaS = the average thickness of fat over the 1st measured vertebra (a) (mm)

4. The measuring points are described in Part II of the protocol presented to the Commission by Belgium in accordance with Article 23(4) of Regulation (EC) No 1249/2008.

This formula shall be valid for a carcass weighing between 60 and 130 kg.

PART 7

VCS 2000

1. The rules provided for in this Part shall apply when the grading of pig carcasses is carried out by means of the apparatus known as 'VCS 2000'.

2. The VCS 2000 apparatus is an online picture-processing system where via a camera system the carcass halves are automatically filmed. The picture data is then processed in a computer by special picture processing software. The results of the measurements shall be converted into estimated lean meat content.

3. The lean meat content of a carcass shall be calculated according to the following formula:

$$\begin{aligned}\hat{Y} = {} & 51{,}85549 + (0{,}013351 \times TL1) + (0{,}020216 \times TL4) + (0{,}012917 \times TL6) - (0{,}0061754 \times TL7) + (0{,}014479 \times TL8) - (0{,}000020016 \times HF13) - (0{,}0067020 \times HL7) - (0{,}015821 \times HL8) + (10{,}97550 \times HV1) - (0{,}000010969 \times HF26) - (0{,}00043912 \times HF28) - (0{,}000021232 \times HF31) - (0{,}000019406 \times HF34) - (0{,}024227 \times HL15) - (0{,}0099866 \times HL17) - (0{,}0085447 \times HL18) - (0{,}020238 \times HL20) - (0{,}0086577 \times HL21) - (0{,}0076468 \times HL23) - (0{,}0074809 \times HL24) + (0{,}074204 \times HV19) - (0{,}0058634 \times HL31) - (0{,}015560 \times SBAR1) - (0{,}015265 \times SBAR2) - (0{,}019170 \times SBAM2) + (0{,}043510 \times VBAM2) - (0{,}026957 \times FBAR4) - (0{,}010999 \times KBAR4) - (0{,}018434 \times FBAM4) - (0{,}017239 \times SBAR5) + (0{,}072272 \times VBAR5) - (0{,}0071030 \times SBAM5) + (0{,}068737 \times VBM5) - (3{,}68219 \times TL2/TL8) - (1{,}17220 \times TL5/TL8) - (3{,}19090 \times TL7/TL8) + (4{,}49917 \times TL1/TL5) + (9{,}13323 \times TL4/TL5) + (4{,}82528 \times TL6/TL5) - (6{,}62198 \times HL15/HL7) - (2{,}36961 \times HL17/HL7) - (1{,}75295 \times HL18/HL7) - (5{,}58346 \times HL20/HL7) - (1{,}66395 \times HL23/HL7) + (2{,}85610 \times HL30/HL7) + (0{,}0034487 \times HL1/HL18) + (0{,}0036430 \times HL4/HL18) + (0{,}0046569 \times HL9/HL18) + (0{,}096880 \times HL10/HL18) + (0{,}0051002 \times HL12/HL18) + (0{,}076501 \times HL13/HL18) + (0{,}0054646 \times HL14/HL18) - (1{,}49515 \times HL15/HL18) - (1{,}18547 \times HL20/HL18) + (0{,}082962 \times HL27/HL18) + (0{,}071890 \times HL30/HL18) + (0{,}086655 \times HL32/HL18) + (44{,}62296 \times HF2/HF1) - (44{,}62325 \times HF3/HF1) + (26{,}92160 \times HF4/HF1) - (2{,}60469 \times HF26/HF1) - (138{,}22300 \times HF28/HF1) - (5{,}26517 \times HF31/HF1) - (4{,}09877 \times HF34/HF1) + (108{,}30840 \times HF37/HF1) + (8{,}05099 \times HF40/HF1) + (0{,}30959 \times HF4/HF26) + (1{,}21963 \times HF20/HF26) - (20{,}88758 \times HF28/HF26) + (1{,}67606 \times HF37/HF26) + (0{,}15193 \times HF40/HF26)\end{aligned}$$

where:

$\hat{Y}$ = the estimated percentage of lean meat in a carcass,

TL1, TL4, TL6 … HF40/HF26 are the variables measured by VCS 2000.

4. The measuring points are described in Part II of the protocol presented to the Commission by Belgium in accordance with Article 23(4) of Regulation (EC) No 1249/2008.

This formula shall be valid for a carcass weighing between 60 and 130 kg.

PART 8

AutoFOM III

1. The rules provided for in this Part shall apply when the grading of pig carcasses is carried out by means of the apparatus known as 'AutoFOM III'.

2. The apparatus shall be equipped with sixteen 2 MHz ultrasonic transducers (Carometec A/S), with an operating distance between transducers of 25 mm. The ultrasonic data shall comprise measurements of backfat thickness, muscle thickness and related parameters. The results of the measurements shall be converted into estimates of the percentage of lean meat by using a computer.

3. The lean meat content of a carcass shall be calculated according to the following formula:

$$\hat{Y} = 72{,}82182 - (0{,}055746 \times R2P2) - (0{,}056757 \times R2P3) - (0{,}054895 \times R2P4) - (0{,}055823 \times R2P6) - (0{,}056800 \times R2P7) - (0{,}054876 \times R2P8) - (0{,}056419 \times R2P10) - (0{,}055541 \times R2P11) - (0{,}022251 \times R2P13) - (0{,}022702 \times R2P14) - (0{,}051975 \times R2P15) - (0{,}030301 \times R2P16) + (0{,}011064 \times R3P1) + (0{,}011312 \times R3P3) + (0{,}011353 \times R3P5) + (0{,}011789 \times R3P6) + (0{,}012286 \times R3P7) + (0{,}010915 \times R3P9) - (0{,}033450 \times R4P7) - (0{,}020275 \times R4P8) - (0{,}032423 \times R4P9) - (0{,}038300 \times R4P10) - (0{,}062709 \times R4P11) - (0{,}027456 \times R4P12) - (0{,}052494 \times R4P13) - (0{,}064748 \times R4P15) - (0{,}076343 \times R4P16)$$

where:

$\hat{Y}$ = the estimated percentage of lean meat in a carcass,

R2P2, R2P3, R2P4 … R4P16 — are the variables measured by AutoFOM III,

4. The measuring points are described in Part II of the protocol presented to the Commission by Belgium in accordance with Article 23(4) of Regulation (EC) No 1249/2008.

This formula shall be valid for a carcass weighing between 60 and 130 kg.

RECOMMENDATIONS

COMMISSION RECOMMENDATION

of 17 July 2012

on access to and preservation of scientific information

(2012/417/EU)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 292 thereof,

Whereas:

(1) The Communication from the Commission Europe 2020 ([1]) puts forward the development of an economy based on knowledge and innovation as a priority.

(2) The targets set by the Europe 2020 strategy are given in more detail in particular in the Flagship Initiatives 'Digital Agenda for Europe' ([2]) and 'Innovation Union' ([3]). Among the actions to be taken under the 'Digital Agenda', publicly funded research should be widely disseminated through open access publication of scientific data and papers. The 'Innovation Union' initiative calls for a European Research Area (ERA) framework to be set up to help remove obstacles to mobility and cross-border cooperation. It states that open access to publications and data from publicly funded research should be promoted and access to publications made the general principle for projects funded by the EU research Framework Programmes.

(3) On 14 February 2007, the Commission adopted a Communication on scientific information in the digital age: access, dissemination and preservation ([4]), accompanied by a staff working paper. This provided an overview of the state of play in Europe regarding scientific publishing and the preservation of research results, examining relevant organisational, legal, technical and financial issues.

(4) The Communication was followed in November 2007 by Council Conclusions on scientific information in the digital age: access, dissemination and preservation. The Conclusions invited the Commission to experiment with open access to scientific publications resulting from projects funded by EU research framework programmes and included a set of actions to be undertaken by the Member States. There have been advances in some of the areas dealt with in the Conclusions, but not all targets have been met and progress has been uneven among Member States. EU action is needed to make the most of Europe's research potential.

(5) Open access policies aim to provide readers with access to peer-reviewed scientific publications and research data free of charge as early as possible in the dissemination process, and enable the use and reuse of scientific research results. Such policies should be implemented taking into account the challenge of intellectual property rights.

(6) Policies on open access to scientific research results should apply to all research that receives public funds. Such policies are expected to improve conditions for conducting research by reducing duplication of efforts and by minimising the time spent searching for information and accessing it. This will speed up scientific progress and make it easier to cooperate across and beyond the EU. Such policies will also respond to calls within the scientific community for greater access to scientific information.

(7) Enabling societal actors to interact in the research cycle improves the quality, relevance, acceptability and sustainability of innovation outcomes by integrating society's expectations, needs, interests and values. Open access is a key feature of Member States' policies for responsible research and innovation by making the results of research available to all and by facilitating societal engagement.

([1]) COM(2010) 2020 final of 3.3.2010, available at: http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2010:2020:FIN:EN:PDF

([2]) COM(2010) 245 final/2 of 26.8.2010, available at: http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2010:0245:FIN:EN:PDF

([3]) COM(2010) 546 final of 6.10.2010, available at: http://ec.europa.eu/research/innovation-union/pdf/innovation-union-communication_en.pdf#view=fit&pagemode=none

([4]) COM(2007) 56 final of 14.2.2007; available at: http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:52007DC0056:EN:NOT

(8) Businesses will also benefit from wider access to scientific research results. Small and medium-sized enterprises in particular will improve their capacity to innovate. Policies on access to scientific information should therefore also facilitate access to scientific information for private companies.

(9) The Internet has fundamentally changed the world of science and research. For instance, research communities have been experimenting with new ways to register, certify, disseminate and preserve scientific publications. Research and funding policies need to adapt to this new environment. It should be recommended to Member States to adapt and develop their policies on open access to scientific publications.

(10) Open access to scientific research data enhances data quality, reduces the need for duplication of research, speeds up scientific progress and helps to combat scientific fraud. In its final report 'Riding the wave: How Europe can gain from the rising tide of scientific data' ([1]) in October 2010, the High Level Expert Group on Scientific Data emphasised the critical importance of sharing and preserving reliable data produced during the scientific process. Policy action on access to data is therefore urgent and should be recommended to Member States.

(11) Preservation of scientific research results is in the public interest. It has traditionally been under the responsibility of libraries, especially national legal deposit libraries. The volume of research results generated is growing tremendously. Mechanisms, infrastructures and software solutions should be in place to enable long-term preservation of research results in digital form. Sustainable funding for preservation is crucial as curation costs for digitised content are still relatively high. Given the importance of preservation for the future use of research results, the establishment or reinforcement of policies in this area should be recommended to Member States.

(12) Policies to be developed by Member States should be defined at national or sub-national level depending on the constitutional situation and the distribution of responsibilities for defining research policy.

(13) Solid e-infrastructures underpinning the scientific information system will improve access to scientific information and the long-term preservation of it. This can boost collaborative research. According to the Communication of the Commission 'ICT infrastructures for e-Science' ([2]), e-Infrastructures are understood to be 'an environment where research resources (hardware, software and content) can be readily shared and accessed wherever this is necessary to promote better and more effective research'. The further development of such infrastructures and their interconnection at European level should therefore be recommended.

(14) The move towards open access is a worldwide endeavour, demonstrated by the 'Revised strategy on UNESCO's contribution to the promotion of open access to scientific information and research' ([3]) and the 'OECD Declaration on Access to Research Data from Public Funding' ([4]). Member States should be part of this global endeavour and should set an example by enhancing an open, collaborative research environment based on reciprocity.

(15) Given the transitional state of the publishing sector, stakeholders need to come together to accompany the transition process and look for sustainable solutions for the scientific publishing process.

(16) On 12 December 2011 the Commission adopted a package consisting of a Communication on open data, a proposal for a Directive amending Directive 2003/98/EC of the European Parliament and of the Council of 17 November 2003 on reuse of public sector information ([5]) and new Commission rules on the documents it holds. The package presented the Commission's strategy on open data in a single coherent framework, encompassing actions including this Recommendation.

(17) This Recommendation is accompanied by a Communication in which the Commission defines its policy and vision on open access to research results. It outlines the actions the Commission will take as a body providing funding for scientific research from the Union budget.

(18) Together with this Recommendation and the accompanying Communication the Commission is adopting a Communication on 'A reinforced European Research Area partnership for excellence and growth' in which it sets out the key priorities for completing the European Research Area, one of which is the optimal circulation, access to and transfer of scientific knowledge,

([1]) http://cordis.europa.eu/fp7/ict/e-infrastructure/docs/hlg-sdi-report.pdf

([2]) COM(2009) 108 final.

([3]) http://www.unesco.org/new/fileadmin/MULTIMEDIA/HQ/CI/CI/images/GOAP/OAF2011/213342e.pdf

([4]) http://www.oecd.org/dataoecd/9/61/38500813.pdf

([5]) OJ L 345, 31.12.2003, p. 90.

HEREBY RECOMMENDS THAT MEMBER STATES:

Open access to scientific publications

1. Define clear policies for the dissemination of and open access to scientific publications resulting from publicly funded research. These policies should provide for:

   — concrete objectives and indicators to measure progress,

   — implementation plans, including the allocation of responsibilities,

   — associated financial planning.

   Ensure that, as a result of these policies:

   — there should be open access to publications resulting from publicly funded research as soon as possible, preferably immediately and in any case no later than 6 months after the date of publication, and 12 months for social sciences and humanities,

   — licensing systems contribute to open access to scientific publications resulting from publicly-funded research in a balanced way, in accordance with and without prejudice to the applicable copyright legislation, and encourage researchers to retain their copyright while granting licences to publishers,

   — the academic career system supports and rewards researchers who participate in a culture of sharing the results of their research, in particular by ensuring open access to their publications and by developing, encouraging and using new, alternative models of career assessment, metrics and indicators,

   — transparency is improved, in particular by informing the public about agreements between public institutions or groups of public institutions and publishers for the supply of scientific information. This should include agreements covering the so-called 'big deals', i.e. bundles of print and electronic journal subscriptions offered at discounted price,

   — small and medium-sized enterprises and unaffiliated researchers have the widest and cheapest possible access to scientific publications of the results of research that receives public funding.

2. Ensure that research funding institutions responsible for managing public research funding and academic institutions receiving public funding implement the policies by:

   — defining institutional policies for the dissemination of and open access to scientific publications; establishing implementation plans at the level of those funding institutions,

   — making the necessary funding available for dissemination (including open access), allowing for different channels, including digital e-infrastructures where appropriate, as well as new and experimental methods of scholarly communication,

   — adjusting the recruitment and career evaluation system for researchers and the evaluation system for awarding research grants to researchers so that those who participate in the culture of sharing results of their research are rewarded. Improved systems should take into account research results made available through open access and develop, encourage and use new, alternative models of career assessment, metrics and indicators,

   — giving guidance to researchers on how to comply with open access policies, especially on managing their intellectual property rights to ensure open access to their publications,

   — conducting joint negotiations with publishers to obtain the best possible terms for access to publications, including use and reuse,

   — ensuring that results of research that receives public funding are easily identifiable by appropriate technical means, including through metadata attached to electronic versions of the research output.

Open access to research data

3. Define clear policies for the dissemination of and open access to research data resulting from publicly funded research. These policies should provide for:

   — concrete objectives and indicators to measure progress,

   — implementation plans, including the allocation of responsibilities (including appropriate licensing),

   — associated financial planning.

   Ensure that, as a result of these policies:

   — research data that result from publicly funded research become publicly accessible, usable and reusable through digital e-infrastructures. Concerns in particular in relation to privacy, trade secrets, national security, legitimate commercial interests and to intellectual property rights shall be duly taken into account. Any data, know-how and/or information whatever their form or nature which are held by private parties in a joint public/private partnership prior to the research action and have been identified as such shall not fall under such an obligation,

— datasets are made easily identifiable and can be linked to other datasets and publications through appropriate mechanisms, and additional information is provided to enable their proper evaluation and use,

— institutions responsible for managing public research funding and academic institutions that are publicly funded assist in implementing national policy by putting in place mechanisms enabling and rewarding the sharing of research data,

— advanced-degree programmes of new professional profiles in the area of data-handling technologies are promoted and/or implemented.

Preservation and reuse of scientific information

4. Reinforce the preservation of scientific information, by:

— defining and implementing policies, including an allocation of responsibilities for the preservation of scientific information, together with associated financial planning, in order to ensure curation and long-term preservation of research results (primary research data and all other results, including publications),

— ensuring that an effective system of deposit for electronic scientific information is in place, covering born-digital publications and, where relevant, the related datasets,

— preserving the hardware and software needed to read the information in future, or by migrating the information to new software and hardware environments on a regular basis,

— fostering the conditions for stakeholders to offer value-added services based on the reuse of scientific information.

E-infrastructures

5. Further develop e-infrastructures underpinning the system for disseminating scientific information by:

— Supporting scientific data infrastructures for dissemination of knowledge, research institutions and funding entities to address all stages of the data life cycle. These stages should include acquisition, curation, metadata, provenance, persistent identifiers, authorisation, authentication and data integrity. Approaches need to be developed to provide a common look and feel to data discovery across disciplines, thus reducing the learning curve required to achieve productivity,

— supporting the development and training of new cohorts of data-intensive computational science experts, including data specialists, technicians and data managers,

— leveraging and building on existing resources to be economically efficient and to innovate in the areas of analysis tools, visualisations, decision-making support, models and modelling tools, simulations, new algorithms and scientific software,

— reinforcing the infrastructure for access to and preservation of scientific information at national level, and earmarking the necessary funds,

— ensuring the quality and reliability of the infrastructure, including through the use of certification mechanisms for repositories,

— ensuring interoperability among e-infrastructures at national and global level.

6. Ensure synergies among national e-infrastructures at European and global level by:

— contributing to the interoperability of e-infrastructures, in particular addressing scientific data exchange, taking into account experiences with existing projects, infrastructures and software developed at European and global level,

— supporting transnational cooperative efforts that promote the use and development of information and communication technologies infrastructure for higher education and research.

Multi-stakeholder dialogue at national, European and international level

7. Participate in multi-stakeholder dialogues at national, European and/or international level on how to foster open access to and preservation of scientific information. Participants should in particular look at:

— ways of linking publications to the underlying data,

— ways of improving access and keeping costs under control, e.g. through joint negotiations with publishers,

— new research indicators and bibliometrics encompassing not only scientific publications but also datasets and other types of output from research activity and the individual researcher's performance,

— new reward systems and structures,

— the promotion of open access principles and implementation at international level, especially in the context of bilateral, multilateral and international cooperation initiatives.

Structured coordination of Member States at EU level and follow-up to the Recommendation

8. Designate by the end of the year a national point of reference whose tasks will be:

— coordinating the measures listed in this Recommendation,

— acting as an interlocutor with the European Commission on questions pertaining to access to and preservation of scientific information, in particular better definitions of common principles and standards, implementation measures and new ways of disseminating and sharing research in the European Research Area,

— reporting on the follow-up to this Recommendation.

Reviewing and reporting

9. Inform the Commission 18 months from the publication of this Recommendation in the *Official Journal of the European Union*, and every two years thereafter, of action taken in response to the different elements of this Recommendation, in accordance with formalities to be defined and agreed. On this basis, the Commission will review the progress made across the EU to assess whether further action is needed to achieve the objectives laid down in this Recommendation.

Done at Brussels, 17 July 2012.

For the Commission

Neelie KROES

Vice-President

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